

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X
INTERNATIONAL UNION OF BRICKLAYERS AND
ALLIED CRAFTWORKERS, LOCAL NO. 3,

Plaintiff,

-v-

WELLIVER McGUIRE, INC.,

Defendant.
-----X

ORDER OF JUDGMENT

Civil Case No.:
05-CV-0674 A (Sc)

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties to this action have stipulated to a Settlement and Consent Order of Judgment. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, it is hereby

ORDERED that:

1. Judgment shall be issued to the Plaintiff in the amounts and timetable set forth in the Stipulation of Settlement.
2. Plaintiff's counsel shall hold this Judgment in escrow until such time, if any, that the Defendant fails to make the required payments.
3. The above-captioned case is hereby **DISMISSED**, with prejudice, except that the Court will retain limited jurisdiction to enforce its Judgment, upon motion, if necessary.
4. The Clerk shall forthwith serve copies of this Judgment upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED

Dated: December 9, 2005

Hugh B. Scott
United States Magistrate Judge

SO ORDERED

Richard J. Arcara
RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE
DATED: *Dec. 9, 2005*

COUGHLIN & GERHART, L.L.P.

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**** ALSO ADMITTED IN NEW JERSEY & WEST VIRGINIA
***** ALSO ADMITTED IN PEOPLE'S REPUBLIC OF CHINA

December 1, 2005

Hon. Hugh B. Scott, United States
Magistrate Judge
United States District Court
Western District of New York
U.S. Courthouse
68 Court Street
Buffalo, New York 14202-3406

Re: International Union of Bricklayers Local No. 3 v. Welliver McGuire, Inc.
Civil Action No. 05-CV-0674 A (Sc)

Dear Judge Scott:

International Union of Bricklayers Local No. 3 ("Local 3") and Welliver McGuire, Inc. ("Welliver") have reached a settlement in the above-entitled matter. The payment period involves additional payments on February 22, 2006 and February 22, 2007.

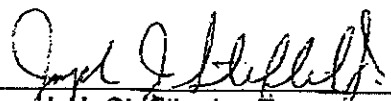
We therefore are enclosing the following proposed pleadings:

1. Stipulation of Settlement
2. Order of Judgment
3. Judgment

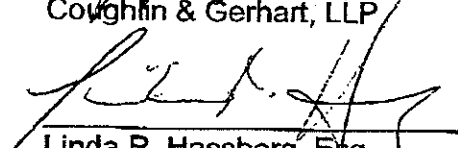
We suggest that the Stipulation of Settlement and Order of Judgment be filed and that the Judgment be signed and held in escrow by the attorneys for Local 3.

Thank you for your cooperation in this matter.

Very truly yours,



Joseph J. Steflik, Jr., Esq.
Coughlin & Gerhart, LLP



Linda R. Hassberg, Esq.
Lipsitz, Green, Fahringer, Roll,
Salisbury & Cambria, LLP

Enclosures

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

INTERNATIONAL UNION OF BRICKLAYERS AND
ALLIED CRAFTWORKERS, LOCAL NO. 3,

Plaintiff,

-v-

WELLIVER MCGUIRE, INC.,

Defendant.

**STIPULATION OF
SETTLEMENT**

Civil Case No.:
05-CV-0674 A (Sc)

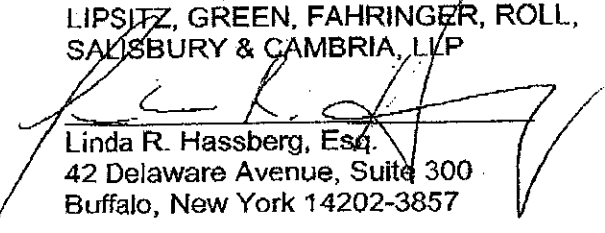
Bricklayers Local No. 3, by their attorneys, Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria, LLP (Linda R. Hassberg, Esq., of counsel), and Welliver McGuire, Inc. by its attorneys Coughlin & Gerhart, LLP (Joseph J. Stefluk, Jr., Esq., of counsel), pursuant to Fed. R. Civ. P. 41, stipulate as follows:

1. Welliver McGuire, Inc. ("Welliver") agrees to confirm the Stipulation and Consent Award of January, 2005 as a judgment; and
2. Welliver agrees to pay the first installment of \$66,666.66 within one (1) week of execution of a settlement agreement; and
3. Welliver shall pay the second installment of \$66,666.66 on February 22, 2006 and the third installment of \$66,666.66 on February 22, 2007; and
4. All claims and counterclaims will be withdrawn with prejudice by the parties.

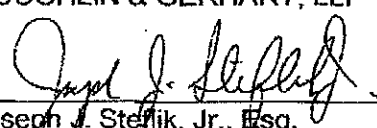
Dated: December 6, 2005

Dated: December 1, 2005

LIPSITZ, GREEN, FAHRINGER, ROLL,
SALISBURY & CAMBRIA, LLP


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